

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	14-CR-2783 JB
	)	
THOMAS R. RODELLA, and	)	
THOMAS R. RODELLA, JR.,	)	
	)	
Defendants.	)	

---

**TOHOMAS R. RODELLA, JR.,’S RESPONSE  
TO MOTION TO DISMISS DOC. 30**

---

The Defendant Tommy Rodella, Jr., by his attorney, Jason Bowles of the Bowles Law Firm, hereby responds to the Government’s Motion to Dismiss as follows:

1. Mr. Rodella agrees with the Government’s motion to dismiss that, had the grand jury been appropriately and lawfully informed of all relevant facts it would not have returned an indictment against him. Mr. Rodella entered a not guilty plea at the time of his arraignment because he was factually innocent of the charges against him.

2. Mr. Rodella, Jr., insists that, pursuant to Fed. R. Crim. P. 48(a), that the dismissal *must* be with prejudice. Mr. Rodella, Jr., should not be forced to endure another prosecution if the government at some point in time was to change its position and seek to reinstitute charges against Mr. Rodella, Jr.

3. In addition Mr. Rodella Jr. objects to the proposed order submitted by the government. Mr. Rodella Jr. requests that this Court enter an Order of dismissal with

prejudice but not incorporating factual findings of what the grand jury may or may not have found as requested in the government's proposed order.

Respectfully submitted,

/s/ Jason Bowles  
Jason Bowles  
Bowles Law Firm  
PO Box 25186  
Albuquerque, NM 87125-5186  
Phone: 505-217-2680  
Email: [jason@Bowles-Lawfirm.com](mailto:jason@Bowles-Lawfirm.com)

I hereby certify that a true and correct copy  
of the foregoing was electronically submitted  
this 27<sup>th</sup> day of August, 2014 to:

Tara Neda

Robert Gorence

/s/ Jason Bowles  
Jason Bowles  
Bowles Law Firm